

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA**

ROBERT EUGENE MOTT,

Plaintiff,

vs.

SAMUELS, Director of the Bureau of
Prisons; RIVERA, Warden; CASSARO,
Supervising Attorney; BERNADO, Acting
Camp Administrator; and E.K. CARLTON,
Executive Camp Administrator,

Defendants.

No. 1:13-cv-2681-RMG

ORDER

This matter comes before the Court on the Report and Recommendation (R & R) of the Magistrate Judge (Dkt. No. 12), recommending that this action be summarily dismissed without prejudice and without issuance of service. For the reasons stated below, the Court **ADOPTS** the R & R in full. Accordingly, this action is **DISMISSED** without prejudice and without issuance of service.

Background

Plaintiff brought this *Bivens* action, alleging that prison staff ignored his request to visit his dying mother and denied his request to attend his mother's funeral. (Dkt. No. 1 at 1-2, 4.) Plaintiff claims that the prison staff was negligent in handling his requests and violated his due process rights. (*Id.* at 3-4.) The Magistrate Judge recommended that this action be summarily dismissed because a (1) prisoner has no protected liberty interest in a furlough and (2) negligence is not actionable under *Bivens*. (Dkt. No. 12.) Plaintiff did not file an objection to the Magistrate Judge's R & R.

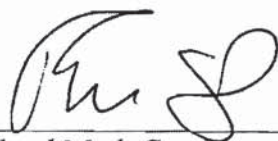
Discussion

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The Court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate.” 28 U.S.C. § 636(b)(1). This Court is charged with making a de novo determination of those portions of the R & R or specified proposed findings or recommendations to which objection is made. *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting 28 U.S.C. § 636(b)(1)); *accord* Fed. R. Civ. P. 72(b). However, where no objection is made, as is the case here, this Court “must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” *Id.* (quoting Fed. R. Civ. P. 72 advisory committee note). Moreover, in the absence of specific objections to the R & R, the Court need not give any explanation for adopting the Magistrate Judge’s analysis and recommendation. *See Camby v. Davis*, 718 F.2d 198, 199–200 (4th Cir. 1983).

The Court has carefully reviewed the Complaint and the R & R and concludes that the Magistrate Judge correctly applied the relevant law to the operative facts in this matter. Therefore, the Court **ADOPTS** in full the Magistrate Judge’s Report and Recommendation (Dkt. No. 12) as the order of this Court. Accordingly, this action is **DISMISSED** without prejudice and without issuance of service.

IT IS SO ORDERED.

January 8, 2014
Charleston, South Carolina



Richard Mark Gergel
United States District Judge